

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 20, 2002

Regulation Package #0702-18

CDSS MANUAL LETTER NO. CCL-02-04

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 12,
CHAPTER 1, CHILD CARE CENTER

Regulation Package #0702-18**Effective 8/7/02****Section 101218.1**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/ChildCareC_626.htm.

These amendments are necessary to implement the Department of Social Services' policy requiring child care licensees to inform parents of their right to information about any adults associated with the facility who have been granted a criminal record exemption. These required parental rights are now listed in this regulation section along with other parental rights information that was previously only listed in the Health and Safety Code and other regulation sections. These regulations require licensees, upon request by the parent or authorized representative, to provide the name and type of association to the facility of any adult who has been granted a criminal record exemption, and that the name of the person may also be obtained by contacting the local licensing office.

These regulations were adopted on an emergency basis effective August 7, 2002 and will be considered at the Department's public hearings to be held on October 15, 16, and 17, 2002.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-02-03. The latest prior manual letter containing Child Care Center regulation changes was Manual Letter No. CCL-01-18.

Page(s)**Replace(s)**

1 and 2
101 through 104

Pages 1 and 2
Pages 101 through 104

Attachments

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- (7) Past experience, including types of employment and former employers.
- (8) Duties of the employee.
- (9) Termination date if no longer employed by the child care center.
- (10) A signed and dated copy of a Notice of Employee Rights (LIC 9052 [11/94]).
- (b) All personnel, including the licensee, administrator, employees and volunteers, shall have on file either the record of the health screening specified in Section 101216(g)(2), or the statement and tuberculosis test results specified for volunteers in Section 101216(g)(3).
- (c) All personnel records shall be kept for at least three years following termination of employment.
- (d) All records shall be maintained at the child care center.
 - (1) The licensee may keep such records in a central administrative location provided that they are readily available to the Department at the child care center site upon request.
- (e) In all cases, personnel records shall document the hours actually worked.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.880, 1596.881 and 1596.882, Health and Safety Code.

101218	ADMISSION POLICIES	101218
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- (a) Every child care center shall have all admission policies in writing and available to the public. The policies shall coincide with the limitations stated on the license, and shall include, but not be limited to, the following:
 - (1) Written admission criteria designating those children whose needs can be met by the center's program and services.
 - (2) The ages of children who will be accepted.
 - (3) The program activities.
 - (4) The supplementary services provided, if any.

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- (5) Field-trip provisions, if any.
- (6) Transportation arrangements, if any.
- (7) Food-service provisions.
- (8) Medical-assessment requirement.
- (b) A licensee who provides care to a child with disabilities shall be able to meet the individual needs of the child.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

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- (a) In accordance with the child care center's individual program, policies and needs, the licensee shall develop, implement and maintain an admission procedure that enables the person in charge of admissions to:
 - (1) Determine that the child meets the child care center's admission criteria.
 - (2) Conduct one or more personal interviews with the child's parent or authorized representative that meets the following requirements:
 - (A) Enables the person responsible for admissions to understand the state of the child's health and physical and emotional development, and to assess whether the child care center can meet the child's needs.
 - (B) Provides the child's parent or authorized representative with information about the child care center that shall at least include the child care center's admission policies and procedures, activities, services, regulations, hours and days of operation, fees, procedures to be followed should the child become ill or injured while at the child care center, and procedures for conducting inspections for illness.
 - (3) Obtain all identifying information specified in Section 101221(b).
 - (4) Obtain all health information specified in Section 101220.

101218.1	ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED REPRESENTATIVE'S RIGHTS (Continued)	101218.1
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- (b) At the time of acceptance of each child in care, the licensee shall inform each child's parent or authorized representative of his/her rights that include, but are not limited to, the following:
- (1) To enter and inspect the child care center in accordance with Health and Safety Code Section 1596.857.
 - (2) To file a complaint against the licensee with the local licensing office in accordance with Health and Safety Code Section 1596.853.
 - (3) To review the child care center's public file kept by the local licensing office in accordance with Health and Safety Code Section 1596.859.
 - (4) To review at the child care center, reports of licensing visits and substantiated complaints against the licensee made during the last three years in accordance with Health and Safety Code Section 1596.859.
 - (5) To complain to the local licensing office and inspect the child care center without discrimination or retaliation in accordance with Health and Safety Code Section 1596.857.
 - (6) To request in writing that a parent not be allowed to visit a child or take a child from the child care center provided the custodial parent has shown a certified copy of a court order pursuant to Health and Safety Code Section 1596.857.
 - (7) To receive from the licensee upon request the name, address and telephone number of the local licensing office in accordance with Health and Safety Code Section 1596.874.
 - (8) To be informed by the licensee, upon request, of the name and type of association to the child care center for any adult who has been granted a criminal record exemption, and that the name of the person may also be obtained by contacting the local licensing office.
- (c) The licensee shall post the PUB 393 (8/02), Child Care Center Notification of Parents' Rights Poster in a prominent, publicly accessible area in the child care center at all times.
- (d) The licensee shall provide to the parent or authorized representative the LIC 995E (8/02), Caregiver Background Check Process form.

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Health and Safety Code Section 1596.857 provides:

- (a) Upon presentation of identification, the responsible parent or guardian of a child receiving services in a child day care facility has the right to enter and inspect the facility without advance notice during the normal operating hours of the facility. Parents or guardians when inspecting shall be respectful of the children's routines and programmed activities. The facility shall inform parents and guardians of children receiving services in the facility of the right of the parents and guardians to inspect the facility pursuant to this section.
- (b) No child day care facility shall discriminate or retaliate against any child or parent or guardian on the basis or for the reason that the parent or guardian has exercised his or her right under this section to inspect the facility or has lodged a complaint with the department against a facility.
- (c) If any child day care facility denies a parent or legal guardian the right to enter and inspect a facility or retaliates, the department shall issue the facility a warning citation. For any subsequent violation of this right, the department may impose a civil penalty upon the facility of fifty dollars (\$50) per violation. The department may take any appropriate action, including license revocation.
- (d) Each child day care facility shall permanently post in a facility location accessible to parents and guardians written notice of the right to make an inspection pursuant to this section and the prohibition against retaliation and the right to file a complaint.
- (e) Notwithstanding any other provisions of this section, the person present who is in charge of a child day care facility may deny access to an adult whose behavior presents a risk to children present in the facility and may deny access to noncustodial parents or guardians if so requested by the responsible parent or legal guardian.

HANDBOOK ENDS HERE

- (e) At the time of acceptance of each child into care and for all children in care on August 7, 2002, the licensee shall give each parent or authorized representative a copy of the Notification of Parents' Rights (LIC 995 [8/02]) and the LIC 995E, Caregiver Background Check Process form.
- (1) The licensee shall request the child's parent or authorized representative to sign and date the acknowledgement-of-receipt statement at the bottom of the LIC 995 (8/02). The bottom portion of this form must be kept in the child's file as proof that the parent or authorized representative has been notified of his or her rights by the child care center and received a copy of the LIC 995E, Caregiver Background Check Process form.

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- (2) Whenever a parent or authorized representative makes a request pursuant to Section 101218.1(b)(8), the child care center shall note, date, and initial the request in the child's file. The child care center shall request that the parent or authorized representative also initial the notation documenting the request.
- (3) Failure by the licensee to comply with the requirements in Sections 101218.1(b)(8), (c), (d), (e), (e)(1), or (e)(2) shall subject the licensee to civil penalties pursuant to Section 101195.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.853, 1596.857, 1596.859, 1596.874, 1597.05, and 1597.07, Health and Safety Code.

101219	ADMISSION AGREEMENTS	101219
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- (a) The licensee and the child's authorized representative shall jointly complete a current individual written admission agreement for the child. This documentation shall be maintained at the child care center and shall be available for review.
- (b) Admission agreements shall specify the following:
 - (1) Basic services.
 - (2) Available optional services.
 - (3) Payment provisions, including the following:
 - (A) Basic rate.
 - (B) Optional services rates.
 - (C) Payor.
 - (D) Due date.
 - (E) Frequency of payment.
 - (4) Modification conditions, including the requirement that the child's authorized representative be given at least 30-calendar-days prior written notice of any basic rate change.
 - (A) Agreements involving children whose care is funded at government-prescribed rates may specify that the effective date of a government rate change shall be considered the effective date for basic service rate modifications and that no prior notice is necessary.